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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,674	12/30/1999	ARI AARNIO	4925-18	8134

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EXAMINER
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BROWN, TIMOTHY M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/476,674	AARNIO, ARI
Examiner	Art Unit	
Tim Brown	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 December 1999.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) 7-9 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 December 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-12 have been examined.

### *Claim Objections*

2. Claims 7-9 are objected to for containing a minor informality in that the first line of each of the claims recites "[t]he apparatus of claim 6 . . . ." This dependency is improper because claim 6 pertains to a system.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. (US 5,819,160) in view of Guyot et al. (US 6,119,098).

Regarding claim 6, Foladare et al. teach a system of providing on-line subscription services from a subscription server to a user of a mobile terminal connected to a wireless communication network and a wide area network, comprising:

means for transmitting by the mobile terminal to the subscription server user-specific information relating to at least one of the user's mobile terminal capabilities, the user's preferences of products, and information relating to the user (col. 2, lines 39-42; and col. 5, lines 39-51);

means for receiving by the subscription server the user-specific information (col. 2, lines 8-17; col. 3, lines 3-11 and 53-56);

means for determining when the user is authorized to receive a product (col. 3, lines 3-11; and col. 5, lines 45-51);

means for receiving from the mobile terminal a request indicating whether the user wishes to one of receive the product and not receive the product (col. 2, lines 1-7; col. 5, lines 51-67; and col. 6, lines 1-13); and

means for transmitting the product in digital form to the mobile terminal when the user indicates a desire to receive the product (col. 3, lines 3-21; and col. 7, lines 5-18).

Foladare et al. do not specifically teach a means for sending to the mobile terminal at predetermined intervals, in response to the user-specific information transmitted by the mobile terminal, at least information related to the product when the user is authorized to receive the product based on the user-specific information received from the mobile terminal. However, Guyot et al. teach a system for distributing advertisements over a network wherein specifically targeted advertisements are periodically submitted to a user (Abstract). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Foladare et al. to include the teachings of Guyot et al. because adding a means for sending to the mobile terminal at predetermined intervals, in response to the user-specific information transmitted by the mobile terminal, at least information related to the product when the user is authorized to receive the product based on the user-specific information

received from the mobile terminal would enable Foladare et al. to encourage the sale of digital products by presenting them to the user.

Claim 1 is rejected under Foladare et al. in view of Guyot et al. as discussed under claim 6 above as claim 1 pertains to a method for implementing the system of claim 6.

Regarding claim 9, Foladare et al. teach a system of providing on-line subscription services from a subscription server to a user of a mobile terminal connected to a wireless communication network and a wide area network wherein the product includes music (col. 2, lines 27-38).

**5. Claims 4, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. (US 5,819,160) in view of Guyot et al. (US 6,119,098) and Chelliah et al. (US 5,710,887).**

Claim 4 is rejected under Foladare et al. in view of Guyot et al. and Chelliah et al. as discussed under claim 7 *infra*.

Regarding claim 5, Foladare et al. teach all the limitation discussed under claim 1 *supra*. Foladare et al. do not specifically teach charging the user the price of the product transmitted to the mobile terminal. However, Chelliah et al. teach a system for facilitating commercial transactions over a computer network comprising a product pricing engine a payment processing component (col. 10, lines 14-17; col. 11, lines 11-18; and col. 12, lines 56-65). At the time of the applicant's invention, it would have been obvious to modify Foladare et al. to include the teachings of Chelliah et al. because including the step of charging the user the price of the product transmitted to the mobile

terminal would enable Foladare et al. to generate revenue from each product sold to the user.

Regarding claim 7, Foladare et al. teach all the limitations discussed under claim 6 *supra*. Foladare et al. do not specifically teach a system wherein the user-specific information further comprises information relating to how the user is to pay for the product and the information related to the product comprises a price of the product, and further comprising means for charging the user the price of the product when downloaded by the user. However, Chelliah et al. teach a system for facilitating commercial transactions over a computer network comprising a product pricing engine wherein after a user designates a method of payment, system authenticates and processes the user's payment (*Id.*). At the time of the applicant's invention, it would have been obvious to modify Foladare et al. to include the teachings of Chelliah et al. because adding a limitation wherein the user-specific information further comprises information relating to how the user is to pay for the product and the information related to the product comprises a price of the product, and further comprising means for charging the user the price of the product when downloaded by the user would provide a means for determining a price and consummating the user's purchase of the product.

**6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. (US 5,819,160) in view of Guyot et al. (US 6,119,098) and Fritsch (US 6,233,682).**

Foladare et al. teach all the limitations discussed under claim 6 *supra*. Foladare et al. do not specifically teach a system of providing on-line subscription services from a

subscription server to a user of a mobile terminal connected to a wireless communication network and a wide area network wherein the product includes a book. However, Fritsch teaches a system of for selling digital products over the Internet wherein the products comprise books (col. 5, lines 52-56). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Foladare et al. to include the teachings of Fritsch because adding a step wherein the product includes a book would expand the scope of available products thereby increasing the potential for revenue.

**7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. (US 5,819,160) in view of Guyot et al. (US 6,119,098) and Frey et al. (US 6,369,908).**

Regarding claim 2, Foladare et al. teach all the limitations discussed under claim 1 *supra*. Foladare et al. further teach determining whether the mobile terminal is capable of presenting the product, and if so, the product is presented on the mobile terminal (col. 3, lines 3-21; and col. 7, lines 5-18). Foladare et al. do not specifically teach transferring the product from the mobile terminal to a player capable of presenting the product if the mobile terminal is not capable of presenting the product. However, Frey et al. teach a photography kiosk operable to transmit a photographic image wherein the kiosk is capable of performing a self-diagnostic that is subsequently transmitted to an off-site location (Abstract; col. 5, lines 22-34). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Foladare et al. to include the teachings of Frey et al. because transferring the

product from the mobile terminal to a player capable of presenting the product if the mobile terminal is not capable of presenting the product would enable the user to utilize the product via an alternate system in the event the mobile system is incapable of presenting the product.

Regarding claim 3, Foladare et al. teach all the limitations discussed under claim 2 *supra*. Foladare et al. does not specifically teach transferring the product using wireless devices. However, Foladare et al. disclose that user selection and identification data may be transmitted from a mobile terminal to subscription server (col. 2, lines 39-42; and col. 5, lines 39-51). At the time of the applicant's invention, it would have been obvious to modify Foladare et al. to include the step of transferring the product using wireless devices in order to relocate the product to a device that is capable of presenting the product in the event the mobile terminal is not configured to present the product.

**8. Claims 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Fritsch (US 6,233,682) in view of Guyot et al. (US 6,119,098) and Eller et al. (US 5,889,860).**

Regarding claim 10, Fritsch teaches a method of providing on-line subscription services from a subscription server to a user of a mobile terminal connected to a wireless communication network and a wide area network, comprising in sequence the steps of:

transmitting from the mobile terminal to the subscription server of user-specific information relating to at least one of the user's mobile terminal capabilities, the user's

preference of products, and information relating to the user (col. 2, lines 60-63; and col. 4, lines 5-38);

receiving by the subscription server of the user-specific information (Id.);

sending to the mobile terminal in response to step (b) at least a portion of a product in digital form and a remaining portion of the product in digital form when the user is authorized to receive the product based on the user-specific information received from the mobile terminal (abstract; col. 4, lines 8-18 and 55-60);

presenting only the at least a portion of a product to the user (Id.); and

receiving from the mobile terminal a user request indicating whether the user wishes to purchase the product (col. 4, lines 29-46).

Fritsch does not specifically teach sending to the mobile terminal, in response to receiving by the subscription server of the user-specific information, at predetermined intervals at least a portion of a product in digital form. However, Guyot et al. teach a system for distributing advertisements over a network wherein specifically targeted advertisements are submitted to a user periodically (Abstract). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Fritsch to include the teachings of Guyot et al. because sending to the mobile terminal, in response to receiving by the subscription server of the user-specific information, at predetermined intervals at least a portion of a product in digital form, would provide a means for encouraging the sale of digital products by presenting them to the user.

Fritsch does not specifically teach sending to the mobile terminal the remaining portion of the product having a gateway lock for preventing unauthorized access by the user. Nor does Fritsch specifically teach transmitting a decoding message to the mobile terminal for unlocking the gateway lock when the user indicates a desire to purchase the product, so that the user may access the at least a portion of the product and the remaining portion of the product. However, Eller et al. teach a system for distributing digital music wherein partially encrypted music score samples are distributed over a network and wherein access to the complete music score is granted upon user payment, the access being accomplished by providing the user with a password that functions as a decryption key (Abstract; col. 6, lines 32-60). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Fritsch to include the teachings of Eller et al. Adding the steps of sending to the mobile terminal the remaining portion of the product having a gateway lock for preventing unauthorized access by the user and transmitting a decoding message to the mobile terminal for unlocking the gateway lock when the user indicates a desire to purchase the product, so that the user may access the at least a portion of the product and the remaining portion of the product would enable Fritsch et al. to accelerate the downloading of selected digital products in that at least a portion of the digital product would have been transmitted to the user in the form of user-accessible sample.

Regarding claim 11, Fritsch teaches transmitting the entire product to the mobile terminal in response to receiving, by the subscription server of the user specific information (col. 4, lines 58-67; and col. 5, lines 1-9).

9. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fritsch (US 6,233,682) in view of Guyot et al. (US 6,119,098), Eller et al. (US 5,889,860) and Wiser et al. (US 6,385,596).**

Regarding claim 12, Fritsch teaches all the limitations discussed under claim 10 *supra*. Fritsch does not specifically teach transmitting from the mobile terminal to the subscription server a cancellation message when the user indicates a desire not to purchase the product. However, Wiser et al. teach an online music distribution system wherein the user may issue a stop command to interrupt the streaming of media data (col. 16, lines 4-8). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify Fritsch to include the teachings of Wiser et al. because transmitting from the mobile terminal to the subscription server a cancellation message when the user indicates a desire not to purchase the product would enable the user to avoid unwanted product solicitations.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Sartain et al. (US 5,914,712) 22 June 1999; a system for distributing digital video programs to a predetermined group of subscribers
- b. Mandeberg et al. (US 6,038,545) 14 March 2000; a system for generating digital multimedia displays at retail locations wherein start and end times are assigned

- c. Knox (US 6,212,359) 3 April 2001; a system comprising a wireless local transmitter operable to accept digital audio signals which are then modified and transmitted to a plurality of second-controlled devices
- d. Dahlin et al. (US 6,122,263) 19 September 2000; a system for use with a mobile radio network which receives and analyzes packets from packet-switched network such as the Internet
- e. Logan et al. (US 5,721,827) 24 February 1998; an audio program and message distribution system in which a host system organized and transmits program segments to client subscriber locations
- f. Larson, Jr. (US 5,539,635) 23 July 1996; a radio program distribution system for creating custom recording containing a requested plurality of musical programs
- g. Matsuda et al. (US 5,794,116) 11 August 1998; a wireless video terminal creates a control signal for requesting video data
- h. Curran, L. J. "Satellite radio: Along for the ride," *Electronic Business*, Vol. 24, no. 8 (August 1998)
- i. Kirkpatrick, J. "Cars' Satellite Radio Coming, But at a Cost 2 Companies to Offer Up to 100 Channels," *Record* (August 21, 1998)

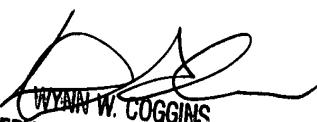
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (703) 305-1912. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Tim Brown  
Examiner  
Art Unit 3625

tmb  
June 3, 2002



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